



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Broadcast Music, Inc.,

Petitioner,

- against -

North American Concert Promoters
Association,

Respondent.

18 Civ. 8749 (LLS)
Related to 64 Civ. 3787 (LLS)

ORDER

The issues raised in petitioner BMI's motion to compel document production, non-party Ticketmaster Entertainment LLC's motion to quash BMI's subpoena ad testificandum, and the associated filings are resolved as follows:

In light of the discussion at the June 30, 2021 conference in this case and the Second Circuit's guidance that

absent some valid reason for using a different measure, what retail customers pay to receive the product or service in question (in this case, the recorded music) seems to us to be an excellent indicator of its fair market value.

United States v. BMI (In re Music Choice), 316 F.3d 189, 195 (2d Cir. 2003), non-party Ticketmaster must produce documents showing the total amount, including the service fee, that consumers paid to attend each concert since January 1, 2014.

So Ordered.

Dated: New York, New York
July 26, 2021

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.